



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/521,020

01/12/2005

Kazuhide Mizutani

DK-US030061

9469

22919 7590 07/21/2009  
GLOBAL IP COUNSELORS, LLP  
1233 20TH STREET, NW, SUITE 700  
WASHINGTON, DC 20036-2680

EXAMINER

ALI, MOHAMMAD M

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

07/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/521,020</p>	<p><b>Applicant(s)</b> MIZUTANI ET AL.</p>	
	<p><b>Examiner</b> MOHAMMAD M. ALI</p>	<p><b>Art Unit</b> 3744</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 7.  
Claim(s) withdrawn from consideration: 5 and 6.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Mohammad M Ali/  
Primary Examiner, Art Unit 3744

Continuation of 11. does NOT place the application in condition for allowance because: The arguments of the Applicants are not persuasive. The Applicants argue that specifically, previously presented claim 5, requires "a fifth step of changing over a refrigerant circuit being composed of the existing refrigerant piping with the new heat source unit and the new user unit to normal operation state which has the oil collecting device attached thereto, the fifth step being executed after the fourth step." In other words, previously presented claim 5 does not require an additional refrigerant charging step of another (new) embodiment as asserted in the Office Action. Rather, previously presented claim 5, requires an additional step of the embodiment of the invention originally claimed. Accordingly, withdrawal of this Restriction Requirement and rejoinder of claims 5 and 6 are respectfully requested. The Examiner disagrees. The Applicants fail to specifically mention in the specification that claim 5 requires an additional step for a fifth step of changing over a refrigerant circuit. None of the existing Figs. originally supporting the claimed invention supports this additional fifth step. Therefore, claim 5 and its dependent claim 6 crossed their original boundary and became distinct new invention and thus the restriction is proper and will stay. Regarding the rejection to claim 7, both Unezaki et al and Taira et al meet the limitations of claim 7 as explained in the last rejections. Regarding cleaning composition comprising at least 40% of R32 that serves as a cleaning agent but contains no R134a, Unezaki et al disclose the same cleaning agent of the claimed invention with 23 wt% R23, 25 wt% R125 and rest 52 wt% R134a. It indicates that Unezaki et al is well known about the proper cleaning agent and proper mixing percentage by wt. See Para [0044]. It further indicates that Unezaki et al is well known about the properties of the cleaning agent. The varying of percentage inclusion or exclusion of any component from the cleaning agent is also well within the knowledge of Unezaki et al because Unezaki et al is properly handling with 3 components and thus it is evident that Unezaki et al is equally capable of handling with less than or more than 3 components with proper composition of the cleaning agent including the at least 40 wt % of R32 without containing R134a. However, containing no R134a is a negative disclosure and does not indicate any criticality or unexpected result from this negative disclosure. Therefore, the last final rejection given to claim 7 is proper.

/MA/ .